

IN THE MATTER OF
GENE KNAPP, ET AL
SW/S BEACHWOOD ROAD, 272' TO
CENTERLINE BEACHWOOD ROAD
(4131 BEACHWOOD ROAD)
15TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT
* * * * *
BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. 92-156-SPH

ORDER OF DISMISSAL

The above-entitled matter came on for hearing before this Board on February 24, 1993 on appeal from a decision of the Zoning Commissioner in which the Petitioner's request was denied. At the scheduled hearing time of 10:00 a.m., numerous protestants were present in the hearing room. However, since the Petitioner/Appellant, Gilbert Davis, had failed to appear by 10:40 a.m., Appellant's appeal was dismissed by this Board.

Therefore, having failed to appear at the scheduled hearing, the Board will dismiss Appellant's appeal to this Board and will so order.

IT IS HEREBY ORDERED this 3rd day of March, 1993 by the County Board of Appeals of Baltimore County that said appeal be and the same is hereby DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett, Chairman

S. Diane Levero

Harry E. Buchheister, Jr.

IN RE: PETITION FOR SPECIAL HEARING
SW/S Beachwood Road, 272 ft.
to c/l Beachwood Road
4131 Beachwood Road
15th Election District
5th Councilmanic District
Gene Knapp, et al
Petitioners
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE # 92-156-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing, requesting approval of the use of a warehouse located in the rear of the subject property known as 4131 Beachwood Road. Specifically, the Petitioners seek a finding that the subject use is nonconforming and, therefore, permissible pursuant to Section 104 of the Baltimore County Zoning Regulations (B.C.Z.R.).

The Petitioners/property owners, Gilbert Davis and Gene Knapp, appeared, testified and were represented by Robert Turner, Esquire. Also appearing in support of the Petition were Thomas Pappagallo and Gus Glava. Numerous residents of the community appeared in opposition. The relevant testimony from those witnesses will be summarized herein.

The subject property, known as 4131 Beachwood Road, is .25 acres in size and is zoned D.R.5.5. It is located within the Wells-McComas community, near Back River. The property is improved with an existing 1-1/2 story dwelling which is located on the front of the property adjacent to Beachwood Road. To the rear of the property is a long narrow building approximately 95 ft. x 30 ft. in dimension. That structure, it is alleged, currently is used as a warehouse and is the subject of the hearing before me. Testimony

established that the subject property was zoned M.H. in 1971. Under that zoning classification, use of the structure as a warehouse was permissible. Subsequently, however, the zoning for the site was changed to the current D.R.5.5. The Petitioners argue that Section 104 of the B.C.Z.R. allows them to lawfully continue their nonconforming use.

A nonconforming use is defined in Section 101 of the regulations as "A legal use that does not conform to a use regulation for a zone in which it is located ...". However, the use is legitimized by the fact that it is "grandfathered" by its existence prior to the adoption of the prohibiting regulation. Thus, in the instant case, the sole issue is whether the property has continued a warehouse use uninterruptedly and unchanged since 1971. If so, the use may continue notwithstanding that same is prohibited under the current regulations. The effect on adjacent properties, the compatibility of the present use with the existing locale, and other such considerations are all irrelevant. The sole issue is a determination of the nonconforming use status.

In support of the Petition, the property owners offered the testimony of Thomas Pappagallo. He testified that he bought the property more than 20 years ago and used it as the headquarters for his clothing store. He testified that he used the rear building as a warehouse and that same was never vacant during the period of his occupancy. He noted that he lived in the front dwelling and worked out of the site for several years; however, moved his residence out of the dwelling in approximately 1976. However, he contended that the warehouse use continued until he leased the property to the present owners in 1988.

Gene Knapp, one of the current property owners/Petitioner, also testified. He noted that he leased the property in January of 1988 with an op-

tion to buy. His testimony was that he and his co-Petitioner, Gilbert Davis, have used the rear building as a warehouse continuously since 1988. He and Mr. Davis operate the Valley Glass and Mirror Company at the subject site. He testified that they purchased the property in January of 1989 after leasing same for one year. Later, their business flourished and their office was moved to another location offsite. However, Mr. Knapp testified that, notwithstanding the relocation of this business, they continued the storage/warehouse use on the subject property. Subsequently, however, due to the economic recession, business operations were again reconsolidated at the Beachwood Road address. Thus, according to Mr. Knapp, the property is presently used to support the business at this time.

On cross-examination, Mr. Davis admitted that his mother lived in a portion of the warehouse building, which was connected to an apartment, for a period of time beginning approximately February of 1989. Thus, it is clear, even by the Petitioners own testimony that, at least, a portion of the use was changed and/or abandoned in 1989.

As indicated above, numerous witnesses from the community appeared and testified. These include John F. Barry, Sr., who lives across the street from the subject property. Mr. Barry has lived at this location for many years and testified that the property was completely vacant for a period of approximately 18 months when Mr. Pappagallo left the premises. Mr. Barry confirmed Mr. Pappagallo's testimony that the property was used as a clothing warehouse for many years, but emphasized that, after that business left the location, there was no warehouse use for a period in excess of one year.

Also testifying was James Montgomery who resides at 4132 Beachwood Road. He testified that he moved into his residence in October of 1987. He spent approximately 6 months in 1987 extensively renovating his property.

During that time, he is certain that no activity existed on the subject site. In fact, Mr. Montgomery testified that he visited the site prior to the purchase of his property. At that time, in approximately the Spring of 1987, he testified that the warehouse was not being used.

Mr. Guido Guarnaccia and Mr. Ronald E. Nestor also testified from the community association. Both object as to what they see as an incompatible use on this property when compared with the surrounding residential area. Mr. Nestor also notes that the business is operating from the site and that same is not a warehouse use. Although these concerns are appreciated, those issues are not properly before me. My sole determination will be as to the nonconforming use of the warehouse; whether it adversely affects the neighborhood is not germane. If an impermissible use, other than one that is legitimately nonconforming, exists on the subject site, then a zoning violation case will arise.

As indicated above, nonconforming uses are governed in Baltimore County pursuant to Section 104 of the B.C.Z.R. This section and the case law which have construed same require the Petitioners to adduce sufficient testimony that the use has existed since prior to the prohibiting regulation and has not changed character, been abandoned or discontinued for a period of one year or more. In considering the merits of the case before me, I cannot conclude that the Petitioners have satisfied their burden of proof. Additionally, although it is clear that the warehouse use existed, prior to 1971, I must conclude that this use has not continued uninterruptedly since that time. Although I do not dispute the credibility of Mr. Pappagallo, I have had the opportunity to observe his demeanor while testifying. In my view, he was unsure as to dates and the corresponding uses at those times. Further, I am impressed with the testimony of Messrs. Barry and Montgomery,

both of whom were certain as to what they observed at the subject site from their residences nearby. Mr. Montgomery's testimony is particularly persuasive wherein he indicates that he inspected the subject property prior to purchasing his current home. His memory was certain that the use had been discontinued at that time.

Equally important is the Petitioners own acknowledgement that they converted at least a portion of the subject site to an apartment use in 1989. This concession by the Petitioners is significant, in that it is compatible with the Protestants' opinion that the use had been discontinued and/or abandoned for a period in excess of one year.

For all of those reasons, I am persuaded that the Petitioners have not met their burden of proof and, therefore, the Petition for Special Hearing should be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the Petition for Special Hearing should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 3rd day of April, 1992 that, pursuant to the Petition for Special Hearing, approval for the use of a warehouse located in the rear of the subject property, known as 4131 Beachwood Road, as a nonconforming use, pursuant to Section 104 of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby DENIED.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

April 28, 1992

Robert Turner, Esquire
34 Market Place, Suite 801
Baltimore, Maryland 21202

RE: Petition for Special Hearing
Gene Knapp, et al, Petitioners
Case No. 92-156-SPH

Dear Mr. Turner:

Enclosed please find a copy of the decision rendered in the above captioned matter. The Petition for Special Hearing has been denied.

In the event any party finds the decision rendered unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Appeals Clerk at 887-3391.

Very truly yours,
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn
encl.
cc: Mr. Gene Knapp
Mr. Gilbert Davis
Mr. Thomas Pappagallo
Mr. John F. Barry, Sr.
Mr. Ronald E. Nestor
Mr. James Montgomery
Mr. Guido Guarnaccia

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County 92-156-SPH

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the use of warehouse located in rear of property known as 4131 Beachwood Road, 15th Election District, as a nonconforming use under Section 104, BCZR.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:	Legal Owner(s):
None	Gene Knapp and Peggy Knapp
(Type or Print Name)	(Type or Print Name)
Signature	Signature
Address	Gil Davis and Sheryl Davis
City and State	(Type or Print Name)
Attorney for Petitioner:	Signature
Robert A. McFarland, Esquire	4131 Beachwood Road (201) 388-9130
(Type or Print Name)	Address
Signature	Baltimore, MD, 21222
34 Market Place, Suite 801	City and State
Address	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Baltimore, MD, 21202	Name
City and State	Address
Attorney's Telephone No.: (301) 685-2100	Phone No.



OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING -1/2HR. +1HR.
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
ALL OTHER
REVIEWED BY: LG DATE 10-3-91

161

FRANK S. LEE

Registered Land Surveyor

1277 NEIGHBORS AVE. - BALTIMORE, MD. 21237

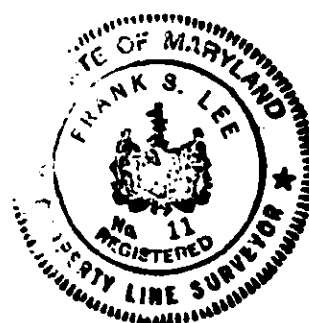
September 12, 1991

No. 4131 Beachwood Road
15th District Baltimore County, Maryland

Beginning for the same on the southwest side of Beachwood Road at the distance of 272.71 feet measured northwesterly along the southwest side thereof from the northwest side of Beachwood Road, thence running and binding on the southwest side of Beachwood Road North 40 degrees 29 minutes west 75.70 feet, to the division line between Lots 10A and 11A as laid out and shown on the plat of Beachwood, said plat being recorded among records of Baltimore County in Plat Book 10 folio 123; thence binding on said division line South 49 degrees 31 minutes West 125 feet thence running for four lines of division as follows: South 40 degrees 29 minutes East 99.70 feet, North 49 degrees 31 minutes East 39.12 feet, North 1 degree 55 minutes 45 seconds East 32.51 feet and North 49 degrees 31 minutes East 63.95 feet to the place of beginning.

Containing 0.25 acres of land more or less.

92-156-SPH



161

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th
Posted for: Appeal
Petitioner: Gene Knapp, et al.
Location of property: 5413 Beachwood Rd. (4131)
Location of sign: Property, roadway on property being appeal
Remarks: 272' from
Posted by: [Signature]
Date of return: 6/12/91
Number of signs: 1

CERTIFICATE OF PUBLICATION

Office of

THE AVENUE NEWS

442 Eastern Blvd.
Baltimore, MD. 21221
October 24, 1991

THIS IS TO CERTIFY, that the annexed advertisement of

Gene Knapp in the matter of Zoning Hearing of 4131 Beachwood Rd. Case # 92-156-SPH P.O. #0115330, Req # M49766. \$29.40

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Case Number: 92-156-SPH
S/W of Beachwood Road, 272' to Centerline Beachwood Road
4131 Beachwood Road
15th Election District - 5th Councilmanic
Petitioner(s): Gene Knapp, et al.
HEARING: WEDNESDAY, NOVEMBER 13, 1991 at 9:00 A.M.
Special Hearing to approve the use of warehouse located in the rear of property as a non-conforming use.
Lawrence E. Schmidt
Zoning Commissioner of Baltimore County

was inserted in The Avenue News a weekly newspaper published in Baltimore County, Maryland once a week for 1 successive week(s) before the 25 day of October 1991; that is to say, the same was inserted in the issues of October 24, 1991.

The Avenue Inc.
per publisher

By [Signature]

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150
Number

92-156-SPH

Please Make Checks Payable To: Baltimore County

receipt

Account: R-001-6150
Number

CRITICAL AREA

Please Make Checks Payable To: Baltimore County \$175.00

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150
Number

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

NOVEMBER 16, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

CASE NUMBER: 92-156-SPH
S/W of Beachwood Road, 272' to centerline Beachwood Road
4131 Beachwood Road
15th Election District - 5th Councilmanic
Petitioner(s): Gene Knapp, et al.
HEARING: WEDNESDAY, NOVEMBER 13, 1991 at 9:00 a.m.

Special Hearing to approve the use of warehouse located in the rear of property as a non-conforming use.

[Signature]
Lawrence E. Schmidt

Zoning Commissioner of
Baltimore County

cc: Gene Knapp, et ux
Gil Davis, et ux
Robert A. McFarland, Esq.
Senator Norman R. Stone, Jr.
Councilman Donald C. Mason
James H. Montgomery
Wells McComas Citizens Improvement Association, Inc.
Ms. Linda Mueller

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

NOVEMBER 8, 1991

NOTICE OF POSTPONEMENT

CASE NUMBER: 92-156-SPH
LEGAL OWNER(s): Gene Knapp, et al.
LOCATION: 4131 Beachwood Road

THE ABOVE MATTER, PREVIOUSLY ASSIGNED TO HEARD ON WEDNESDAY, NOVEMBER 13, 1991, HAS BEEN POSTPONED AT THE REQUEST OF ROBERT A. MCFARLAND, ATTORNEY FOR PETITIONERS.

NOTIFICATION OF THE NEW HEARING DATE WILL BE FORWARDED SHORTLY.

[Signature]
Arnold Jablon

Arnold Jablon
Director

cc: Gene Knapp, et ux
Gil Davis, et ux
Robert A. McFarland, Esq.
Senator Norman R. Stone
Councilman Donald C. Mason
James H. Montgomery
Wells McComas Citizens Improvement Association, Inc.
Ms. Linda Mueller

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

December 12, 1991

NOTICE OF REASSIGNMENT

CASE NUMBER(S): 92-156-SPH
LEGAL OWNER: Gene Knapp, et al.
LOCATION: 4131 Beachwood Road

HEARING OF THE ABOVE MATTER WILL TAKE PLACE AS FOLLOWS:

WEDNESDAY, JANUARY 15, 1992 at 2:00 p.m.

IN THE BALTIMORE COUNTY, ROOM 118, COUNTY COURTHOUSE, 400 WASHINGTON AVENUE, TOWSON, MARYLAND 21204.

[Signature]
Lawrence E. Schmidt

ZONING COMMISSIONER
BALTIMORE COUNTY

cc: Robert C. Turner, Esq.
Knapp and Davis
Senator Norman R. Stone, Jr.
Councilman Donald C. Mason
James H. Montgomery
Wells McComas Citizens Improvement Assn. Inc.
Ms. Linda Mueller

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

DATE: 11/27/91

Knapp and Davis
4131 Beachwood Road
Baltimore, Maryland 21222

RE:
CASE NUMBER: 92-156-SPH
S/W of Beachwood Road, 272' to centerline Beachwood Road
4131 Beachwood Road
15th Election District - 5th Councilmanic
Petitioner(s): Gene Knapp, et al.
HEARING: WEDNESDAY, NOVEMBER 13, 1991 at 9:00 a.m.

Dear Petitioner(s):

Please be advised that \$ 77.90 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

(3)

ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Robert A. McFarland, Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

NOV. 13 1991

NOTICE OF NEW HEARING DATE

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

CASE NUMBER: 92-156-SPH
S/W of Beachwood Road, 272' to centerline Beachwood Road
4131 Beachwood Road
15th Election District - 5th Councilmanic
Petitioner(s): Gene Knapp, et al.
HEARING: TUESDAY, DECEMBER 3, 1991 at 9:00 a.m.

Special Hearing to approve the use of warehouse located in the rear of property as a non-conforming use.

[Signature]
Lawrence E. Schmidt

Zoning Commissioner of
Baltimore County

cc: Gene Knapp, et ux
Gil Davis, et ux
Robert A. McFarland, Esq.
Senator Norman R. Stone
Councilman Donald C. Mason
James H. Montgomery
Wells McComas Citizens Improvement Association
Ms. Linda Mueller

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204
November 1, 1991

Robert A. McFarland, Esquire
34 Market Place, Suite 801
Baltimore, MD 21202

RE: Item No. 161, Case No. 92-156-SPH
Petitioner: Gene Knapp, et al
Petition for Special Hearing

Dear Mr. McFarland:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Zoning Plans Advisory Committee Comments
Date: November 1, 1991
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. & Mrs. Gene Knapp
4131 Beachwood Road
Baltimore, MD 21222

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204
November 1, 1991

Your petition has been received and accepted for filing this 3rd day of October, 1991.

ARNOLD JABLON
DIRECTOR

Received By:

Chairman,
Zoning Plans Advisory Committee

Petitioner: Gene Knapp, et al

Petitioner's Attorney: Robert A. McFarland

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: November 1, 1991

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management
FROM: Rahoe J. Famili
SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: October 15, 1991

This office has no comments for item numbers 148, 155, 156, 159, 160, 161, 162, 163, 164 and 165.

Rahoe J. Famili
Traffic Engineer II

RJF/lvd

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management
DATE: October 24, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Clemens Property, Item No. 148
Leishear Property, Item No. 155
Nolan Property, Item No. 156
Linz Property, Item No. 159
Cumor Property, Item No. 160
Knapp/Davis, Item No. 161
Meyers Property, Item No. 162
Kalachynski Property, Item No. 163
Kropp Property, Item No. 164
McMasters Property, Item No. 165

In reference to the petitioner's request, the staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdn

ITMS148/TXTROZ

700 East Joppa Road Suite 901
Towson, MD 21204-5500
(301) 887-4500

OCTOBER 15, 1991

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: CERS AND LITTS TRAIL, LLC
CFL AND SHELVE DAVIS

Location: 4131 BEACHWOOD ROAD

Item No.: 163 Filing Agenda: OCTOBER 15, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

FIRE HYDRANT LOCATED WITHIN 300' OF THE SITE.

REVIEWED: [Signature] Noted and
Approved [Signature] Fire Prevention Bureau
Special Inspection Division

JP/BER

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management
DATE: December 20, 1991

FROM: J. James Dieter, Director
SUBJECT: Petition for Zoning Variance - Item 161
Knapp Property
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 4131 Beachwood Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Mr. and Mrs. Gene Knapp

APPLICANT PROPOSAL

The applicant has requested a Special Hearing to approve "the use of a warehouse located in the rear of the property known as 4131 Beachwood Road, 15th election district, as a nonconforming use under Section 104, BCZR".

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.0>

Memo to Mr. Arnold Jablon
December 12, 1991
Page 2

REGULATIONS AND FINDINGS

Regulation: Grandfathering. After program approval, local jurisdictions shall permit the continuation, but not necessarily the intensification or expansion, of any use in existence on the date of program approval.

Finding: If this use is determined to be a non-conforming use, then its continuation, but not necessarily its intensification, shall be allowed to continue.

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. If there are any questions, please contact Ms. Patricia M. Farr at 887-2904.

J. James Dieter, Director

JJD:NSS:ju

cc: Mr. and Mrs. Gene Knapp

Attachment

KNAPP/TXTNSS

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 10, 1992

Baltimore County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
SW/S Beachwood Road, 272 ft. to c/1 Beachwood Road
(4131 Beachwood Road)
15th Election District, 5th Councilmanic District
GENE KNAPP, ET AL - Petitioner
Case No. 92-156-SPH

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on May 26, 1992 by Gilbert Davis, Property Owner. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

James E. Schmitt
Zoning Commissioner

IES:ccr
Enclosures
cc: Mr. & Mrs. Gene Knapp - 4131 Beachwood Road, Baltimore, MD 21222
Gilbert Davis - 4131 Beachwood Road, Baltimore, MD 21222
Thomas Pappagallo - 3420 Fleet Street, Baltimore, MD 21224
Gus Glava - 5030 Silver Spring Road, Baltimore, MD 21128
People's Counsel of Baltimore County
Old Courthouse, 400 Washington Avenue, Towson, MD 21204
File

APPEAL

Petition for Special Hearing
SW/S Beachwood Road, 272 ft. to c/1 Beachwood Road
(4131 Beachwood Road)
15th Election District - 5th Councilmanic District
GENE KNAPP, ET AL - Petitioner
Case No. 92-156-SPH

Petition(s) for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments (Included with ZAC Comments)

Zoning Violation Memo from Zoning Enforcement

Petitioner(s) & Protestant(s) Sign in Sheets

Petitioner's Exhibits:

1. Plat to accompany Petition
- 2A. Oak Contracting Corp. Subcontract
- 2B. Roy Kirby and Sons Agreement
- 2C. Lake Falls Construction Agreement

Unmarked Exhibit:

Invoices & Statements of various companies

3. Albera Gunther, Inc. Invoice
- 4 & 5 - Copies of maps

Protestant's Exhibits:

1. Letter from Zoning Enforcement to Knapp
- 2A - 2F - Photographs of site

Zoning Commissioner's Order dated April 30, 1992 (Denied)

Notice of Appeal received May 26, 1992 from Gilbert Davis, Property Owner.

cc: Mr. & Mrs. Gene Knapp - 4131 Beachwood Road, Baltimore, MD 21222
Gilbert Davis - 4131 Beachwood Road, Baltimore, MD 21222
Thomas Pappagallo - 3420 Fleet Street, Baltimore, MD 21224
Gus Glava - 5030 Silver Spring Road, Baltimore, MD 21128
People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification:

P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Deputy Zoning Commissioner
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, Director of Zoning Administration
and Development Management
Public Services

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

August 12, 1992

Hearing Room -
Room 48, Old Courthouse
400 Washington Avenue

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 92-156-SPH

GENE KNAPP, ET AL
SW/S Beachwood Road, 272' to
c/1 Beachwood Road (4131
Beachwood Road)
15th Election District;
5th Councilmanic District

SPH-nonconforming use/use of
warehouse in rear of property
Petition.

4/30/92 - Z.C.'s Order DENYING
Petition.

ASSIGNED FOR: TUESDAY, NOVEMBER 10, 1992 AT 10:00 a.m.

cc: Mr. Gilbert Davis - Petitioner/Appellant
Mr. and Mrs. Gene Knapp - Petitioners
Mr. Thomas Pappagallo
Mr. Gus Glava
People's Counsel for Baltimore County
Public Services
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of Zoning
Administration

LindaLee M. Kuszmaul
Legal Secretary

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

November 10, 1992

Hearing Room -
Room 48, Old Courthouse
400 Washington Avenue

NOTICE OF CONTINUANCE & ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 92-156-SPH

GENE KNAPP, ET AL
SW/S Beachwood Road, 272' to
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Beachwood Road)
15th Election District;
5th Councilmanic District

SPH-nonconforming use/use of
warehouse in rear of property
Petition.

4/30/92 - Z.C.'s Order DENYING
Petition.

The subject case, which was scheduled for hearing on November 10, 1992, has been granted a CONTINUANCE by the Board; and this matter has been

REASSIGNED FOR: WEDNESDAY, FEBRUARY 24, 1993 AT 10:00 a.m.

cc: Mr. Gilbert Davis
Mr. and Mrs. Gene Knapp
Mr. Thomas Pappagallo
Mr. Gus Glava
Mr. John F. Barry, Sr.
Mr. Ronald E. Nestor
Jim & Helen Montgomery
Walter & Evie Hnatiuk
John & Irma Bryant
Ms. Wanda Hand
Mr. Julius C. Gawlik, Sr.
Mr. Guido Guarnaccia
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of Zoning
Administration

Petitioner/Appellant
Petitioners
Protestant

Kathleen C. Weidenhammer
Administrative Assistant

CRITICAL AREA

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: James E. Dyer
Zoning Supervisor

DATE: October 3, 1991

FROM: James H. Thompson
Zoning Enforcement Coordinator

RE: Item No. 161
Davis/Knapp - Petitioner
4131 Beachwood Road
15th Election District

Please be advised that the above subject petition is an active zoning violation case, C-91-2781. When the public hearing is established, please notify the following:

- Senator Norman R. Stone, Jr.
6905 Dumanway
Baltimore, Maryland 21222
- Councilman Donald C. Mason
- James H. Montgomery
4132 Beachwood Road
Baltimore, Maryland 21222
- Wells McComas Citizens Improvement Assn. Inc.
3914 Glenhurst Road
Baltimore, Maryland 21222
- Ms. Linda Mueller
4124 Beachwood Road
Baltimore, Maryland 21222

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

March 3, 1993

Mr. Gilbert Davis
4131 Beachwood Road
Baltimore, MD 21222

RE: Case No. 92-156-SPH
Gene Knapp, et al

Dear Mr. Davis:

Enclosed please find a copy of the final Order of Dismissal issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Sincerely,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

encl

cc: Mr. & Mrs. Gene Knapp
Mr. Thomas Pappagallo
Mr. Gus Glava
Mr. John F. Barry, Sr.
Mr. Ronald E. Nestor
Jim & Helen Montgomery
Walter & Evie Hnatiuk
John & Irma Bryant
Ms. Wanda Hand
Mr. Julius C. Gawlik, Sr.
Mr. Guido Guarnaccia
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Leonard Wasilewski /ZADM
Docket Clerk - Zoning
Arnold Jablon, Director /ZADM

8/12/92 - Following parties notified of hearing set for November 10, 1992 at 10:00 a.m.:

Mr. Gilbert Davis
Mr. and Mrs. Gene Knapp
Mr. Thomas Pappagallo
Mr. Gus Glava
People's Counsel for Baltimore County
Public Services
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon

11/10/92 - Pursuant to telephone conversation between Board Chairman Hackett and Mr. Gilbert Davis, and upon being advised that notification to this hearing was not received by parties, and in consideration of the fact that no one was in the hearing room for the scheduled hearing, the Board granted a continuance of this matter and rescheduled to February 1993.

Notice of PP and Reassignment sent to above parties, as well as those Protestants listed below, for hearing reassigned to Wednesday, 2/24/93 at 10:00 a.m.:

John Barry, Sr.
Ronald E. Nestor
Jim & Helen Montgomery
Walter & Evie Hnatiuk
John & Irma Bryant
Ms. Wanda Hand
Mr. Julius C. Gawlik, Sr.
Mr. Guido Guarnaccia

LAW OFFICES

POLOVOY & MCCOY

THE BROKERAGE AT THE INNER HARBOR
SUITE 801-34 MARKET PLACE
BALTIMORE, MARYLAND 21202
(301) 685-2100
FAX (301) 685-2131

ANNAPOLIS OFFICE:
220 PRINCE GEORGE STREET
ANNAPOLIS, MARYLAND 21401
(301) 268-5880
FAX (301) 268-5891

November 7, 1991

HAND DELIVERED

Mr. Arnold Jablon
Director of Zoning Administration
and Development Management
Office of Planning and Zoning
Baltimore County Government
111 W. Chesapeake Avenue
Towson, Maryland 21204

RECEIVED
ZONING OFFICE

Re: 4131 Beachwood Road
Case No.: 92-156SPH
Hearing Date: November 13, 1991

Dear Mr. Jablon:

I represent the petitioners in the above captioned Special Hearing case, namely Gene Knapp, Peggy Knapp, Gil Davis and Sheryl Davis. My clients have informed me that yesterday the notice was posted on their property. They advised me that the hearing has been scheduled for November 13, 1991 according to the posted notice. Neither my clients nor myself have received any written notice of the hearing date as yet, although Ms. Gwen Stevens of your office advised me that notices were mailed out on October 16. Further, the posting of the Notice is less than the 15 days of the hearing date as required under Section 500.7 of the Baltimore County Zoning Regulations.

I received today a routine letter from Mr. James Dyer of your office dated November 1, 1991 advising me that the Zoning Plans Advisory Committee has reviewed our plans, along with a written acknowledgment of your office's receipt of our petition on October 3rd and a letter of comment from the Fire Department. I have enclosed a copy of the foregoing correspondence with a copy of the envelope postmarked November 6, 1991. This has been the only communication I have received from your office thus far on this matter.

11-27-91 - DATE

PLEASE DELIVER THE FOLLOWING TELEFAX TO:

NAME: Lawrence Schmidt

FIRM: Zoning

FAX TELEPHONE NO.: 296-0931 (Law)

FROM:

ROBERT C. TURNER

DAVID L. BORTZ

ROBERT A. McFARLAND

2 PAGES TO FOLLOW THIS COVER SHEET

COMMENTS:

ORIGINAL WILL NOT FOLLOW

ORIGINAL WILL FOLLOW BY MAIL

TO CONFIRM RECEIPT OR REPORT ERRORS, CALL (301) 685-2100

OUR FAX NUMBERS: BALTIMORE (301) 685-2131 ANNAPOLIS (301) 269-5991

DATE

TO THE ZONING OFFICE - 5-26-92

I GIL DAVIS A PETITIONER IN CASE #92-156-SPH DO HEREBY ENTER MY REQUEST FOR AN APPEAL TO THE BOARD DATED APRIL 30, 1992

PETITION FOR SPECIAL HEARING

SW/S BEACHWOOD RD. 272'

TO 4131 BEACHWOOD RD

15TH ELECTION DISTRICT

5TH COUNCILMANIC DISTRICT

Gil Davis

4131 BEACHWOOD RD

BALTO MD 21222

410-388-2959 Home

388-9130 WK

5-26-92

ZONING OFFICE

RECEIVED

OCT 1 1991

ZONING OFFICE

September 22, 1991

Dear Mr. Justice,

I am writing concerning a zoning violation in Beachwood - Beachwood Road in North Beachwood which is a residential neighborhood. There are two families at 4133-4131 who have a glass company, under the name of Victory Glass, in a large long garage type building located in the rear of the houses. When people have heard of the situation after some few days the business there. They stop a while and then start up again. Last year the entire neighborhood went to town to a hearing about this situation. They have been doing business now for several weeks and are now back after that night. Just in the past couple of days several large trucks have been driving there. I'm afraid if they continue then with their things start up again with the large trucks back as they have in the past and then the noise from cutting the glass and when they do, also in the past they had a garbage truck collect a couple days a week with a tedious air pump. I also understand

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
GILBERT DAVIS	4133 BEACHWOOD RD
GENE KNAPP	4131 BEACHWOOD RD
ROBERT TURNER	34 MCKEE BL SUITE 201 21202
THOMAS PAPPALARDI	3120 FAIR ST BALTO MD 21204
DAVID GLAVA	5030 SILVER SPRING RD 21128

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
JOHN F. BARRY, SR	4130 BEACHWOOD RD. 21222
KENAL E. NESTOR	4226-28 LYNHURST RD 21222
Jim + Helen Montgomery	4132 BEACHWOOD RD 21222
Valerie + Eric Hnatuk	4128 BEACHWOOD RD 21222
JOHN + TAMA BRYANT	4137 BEACHWOOD RD 21222
WANDA HAND	4119 BEACHWOOD RD 21222
Julius G. EARL, SR	4133 BEACHWOOD RD 21222
GUYD. GUANNIELLO	3412 GLENNVIEW RD 21222

County Board of Appeals of Baltimore County

ROOM 49 OLD COURTHOUSE

TOWSON, MARYLAND 21204

PHOTOS

PROTESTANT'S

EXHIBITS 2A-2F



INTERNATIONAL MANUFACTURERS OF BUILDERS, CABINET, AND FURNITURE HARDWARE

928 ALTON PLACE • HIGH POINT, NORTH CAROLINA 27633 • TEL (919) 434-5051

CABLE ADDRESS: MAGNU NEW YORK • TELEX LINARCO 422726 • TEL (800) LIB-ERTY

• TELEX 236141 LHMUR

CUSTOMER NO.	OUR ORDER NO.	ITEM NO.	QUANTITY	UNIT PRICE	AMOUNT
12085	521536	5AC U.P.1.	1/10/83	HIGH PNT	45023

RUSH MUST SHIP TODAY 10/10/88

REPLACEMENT

SHIP VICTORY GLASS & MIRROR TO 4131 BEACHWOOD RD BALTIMORE MD 21222

QUANTITY	SHIPPED	BACK ORDERED	ITEM NO.	DESCRIPTION	UNIT PRICE	AMOUNT
4			F17000	UNIVERS-REG. ARI	37.99	151.92
			AL	NON-SIZED SURFACE CLOSER		
				BULK WITH SCREENS		
				UPS CHARGES....		7.09

ORIGINAL INVOICE

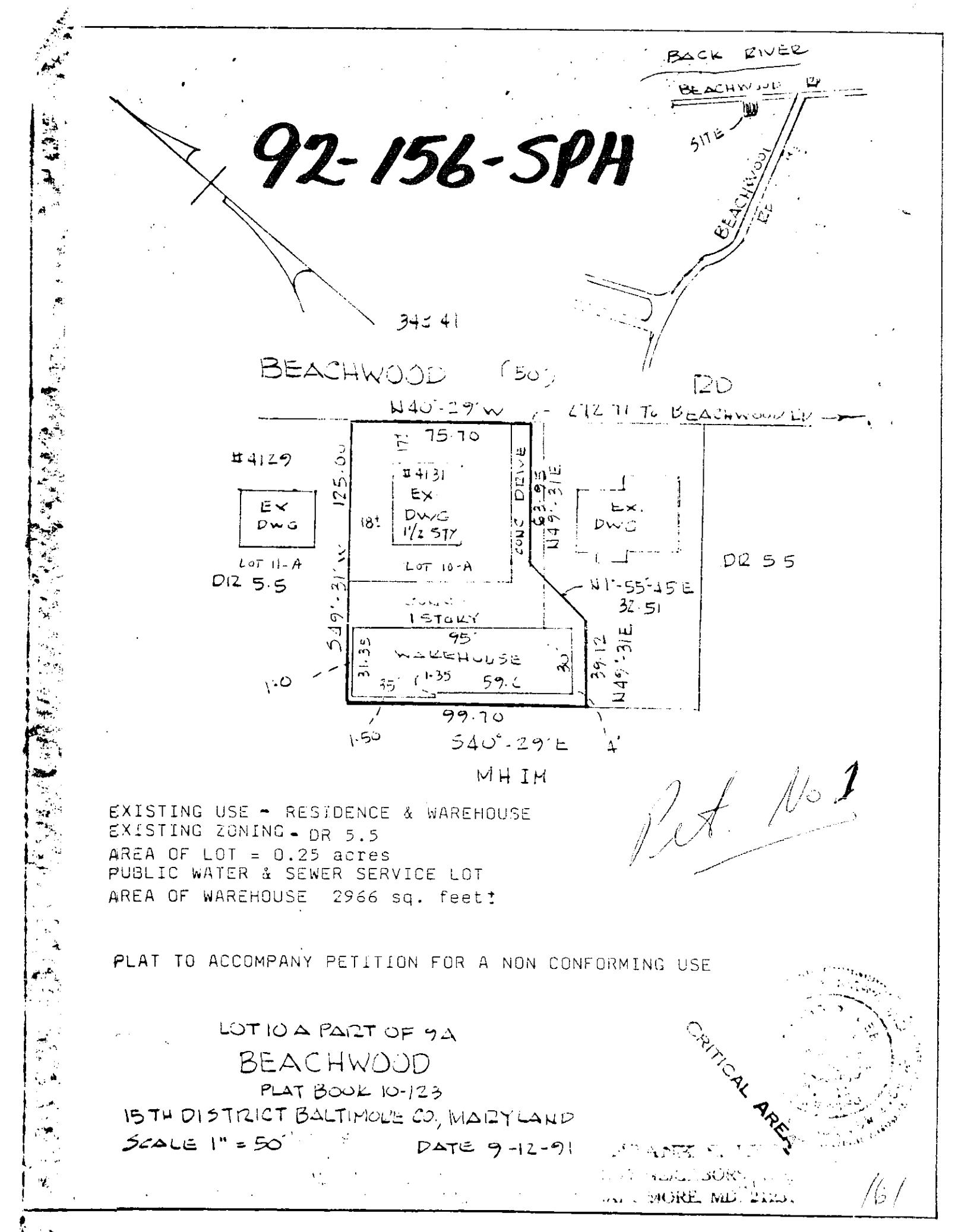
PLEASE DETACH AND RETURN BOTTOM PORTION WITH PAYMENT

VICTORY GLASS & MIRROR

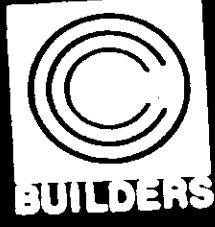
4131 BEACHWOOD RD

BALTIMORE MD 21222

CUSTOMER NO.	OUR ORDER NO.	INVOICE DATE	INVOICE NO.	AMOUNT DUE
12085	521536	10/11/88	45023	\$159.01



SUBCONTRACT
PURCHASE ORDER



OAK CONTRACTING CORPORATION

3501 SINCLAIR LANE • BALTIMORE, MARYLAND 21213 • 301/327-1770

Order No. 8806

Date February 6, 1989
Subcontractor Victory Glass & Mirror
Address 4131 Beachwood Road
Baltimore, Maryland 21222

SUBCONTRACT

1. Provide all labor, material, services and equipment necessary to furnish and install all GLAZED CURTAIN WALL AND MISCELLANEOUS GLAZING, ALUMINUM WINDOWS for the Hampstead Hill Elementary School in accordance with the drawings and specifications and Addenda 1 and 2 as prepared by Greenhorne and O'Mara, Incorporated, Architects for the sum of TWO HUNDRED NINETY EIGHT THOUSAND EIGHT HUNDRED FORTY SEVEN DOLLARS (\$298,847.00), including all sales tax, to be paid on monthly requisitions with a retainer of 10%. No alternates are included as part of this subcontract.
2. This order includes:
 - a. louvre system at curtain wall only
 - b. exterior caulking at curtain wall and windows only
3. This order excludes:
 - a. mirrors
4. Insurance certificates are to be submitted immediately.
5. Shop drawings, certificates, test reports and samples as required are to be submitted immediately.
6. Time is of the essence. Progress schedule will be forwarded under separate cover. Dates shown on progress schedule are the latest acceptable dates and must be maintained.
7. Subcontractors attention is directed to Article 9 of the attached Terms and Conditions. A copy of the prevailing wage scale and instructions are enclosed for your use.
8. Subcontractor agrees to be bound to the specific terms outlined in the General Conditions of the Specifications under Item 74 (GC-42) PROHIBITION AGAINST DISCRIMINATION and to require any sub-subcontractor to be bound to these conditions.
9. Kindly affix signature of your company to the acceptance on this sheet and terms and Conditions attached hereto. Return this sheet and terms and Conditions attached hereto to our office for our signature and return.

RECEIVED
FEB 14 1989

Roy Kirby and Sons, Inc.

BUILDERS
2513 N. CHARLES ST. BALTO. MD 21218 (301) 366-1050

AGREEMENT
made as of the _____ day of _____ in the year Nineteen _____
Hundred and _____
BETWEEN the Contractor: Roy Kirby & Sons, Inc.
and the Subcontractor:
The Owner:
The Architect:
The Contractor and the Subcontractor agree as set forth below.

- ARTICLE 1**
THE CONTRACT DOCUMENTS
- 1.1 The Contract Documents for the Subcontract consist of this Agreement and any Exhibits attached hereto, the Agreement between the Owner and Contractor dated as of _____, the Conditions of the Contract between the Owner and the Contractor (General, Supplementary and other Conditions), the Drawings, the Specifications, all Addenda issued prior to and all Modifications issued after execution of the Agreement between the Owner and Contractor and agreed upon by the parties to the Subcontract. These form the Subcontract, and are to take a part of the Subcontract as if included in the Agreement or referenced herein.
- 1.2 Copies of the above documents which are applicable to the Work under this Subcontract shall be furnished to the Subcontractor upon his request.
- ARTICLE 2**
THE WORK
- 2.1 The Subcontractor shall perform all the Work required by the Contract Documents for _____.
- ARTICLE 3**
TIME OF COMMENCEMENT AND SUBSTANTIAL COMPLETION
- 3.1 The Work to be performed under this Subcontract shall be commenced _____ and, subject to authorized adjustments, shall be substantially completed not later than _____.
- 3.2 Time is of the essence of this Subcontract.
- 3.3 No extension of time will be valid without the Contractor's written consent after claim made by the Subcontractor in accordance with Paragraph 11.10.
- ARTICLE 4**
THE CONTRACT SUM
- 4.1 The Contractor shall pay the Subcontractor in current funds for the performance of the Work, subject to additions and deductions authorized pursuant to Paragraph 11.9. The Contractor shall pay _____ dollars \$ _____.
- ARTICLE 5**
PROGRESS PAYMENTS
- 5.1 The Contractor shall pay the Subcontractor progress payments in accordance with Paragraph 12.4 of this Subcontract.
- 5.2 Applications for progress payments shall be in writing and in accordance with Paragraph 12.8, shall state the estimated percentage of the Work in the Subcontract that has been heretofore completed and shall be submitted to the Contractor on or before the 20th day of each month.
- 5.3 When the Subcontractor's Work is a designated portion thereof is substantially complete and in accordance with the Contract Documents, the Contractor shall, upon application by the Subcontractor, make prompt application for payment of such Work. Within thirty days following issuance by the Architect of the Certificate for Payment covering such substantially completed Work, the Contractor shall, to the full extent provided in the Contract Documents, make payment to the Subcontractor of the money owed balance of the Contractor's sum or of the portion of the Contractor's sum attributable to the substantially completed Work. This sum payable to the Subcontractor shall be in full payment of the Contractor's obligation to cover costs of terms to be completed or corrected by the Subcontractor.
- ARTICLE 6**
FINAL PAYMENT
- 6.1 Final payment, constituting the entire unpaid balance of the Contractor's sum, shall be due when the Work described in this Subcontract is fully completed and performed in accordance with the Contract Documents and is satisfactory to the Architect, and shall be payable in full, in accordance with Article 5 and with Paragraph 12.4 of this Subcontract.
- 6.2 Release of the Contractor's sum shall be subject to the Subcontractor's obligation to the Contractor to complete and correct the Work.

LAKE FALLS CONSTRUCTION, INC.
BALTIMORE, MARYLAND 21209
Sub-Contract Agreement

THIS AGREEMENT, made this _____ 25th _____ day of _____ January _____ A.D. 19 89, by and between, Victory Glass & Mirror Company, hereinafter called the Sub-Contractor and Lake Falls Construction, Inc., hereinafter called the Contractor.

For the consideration hereinafter named, the Sub-contractor covenants and agrees with the said contractor as follows:

FIRST. The Sub-contractor will furnish all materials and labor, including all necessary scaffolding and fully construct and in a good substantial, thorough and workmanlike manner perform and in every respect complete furnish and erect Bidding and Contract Requirements, General Requirements, Addendums One (1) through Four (4), Alternates One (1) through Six (6), Complete Project Specifications and Drawings pertaining to this Contract, Sections 07600-Flashing and Sheetmetal limited to include Interior and Exterior Sills, Sills to be extruded where required, Section 08200-Metal Framed Sky-light System, Section 08410-Aluminum Entrances and Storefronts, Section 08520-Aluminum Windows, Section 08900-Glass & Glazing, Section 08900-Glazed Curtainwall. Substantial completion of the total project is June 1, 1990. For billing and payment purposes this Contract shall be divided into two (2) parts as follows. 1. Building #1 and Alternates 2,3,4 & 5. 2. Building #2 and Alternates 1 & 6. Each part shall be submitted as a separate application for payment. Supplemental Sheet No. 1 is hereby acknowledged to be an integral part of the Subcontract Agreement. The special and general conditions shall apply to all Subcontracts for the work covered by specification division and paragraph stated in your Subcontract. Subcontractor to supply this office with all required Certificates of Insurance in duplicate, covering Workmen's Compensation, Public Liability and Property Damages. Certificates must accompany the return to this office of both copies of this Subcontract Agreement, properly executed by duly authorized representatives of your company. (If a corporation, please affix seal). The original will be returned for your files after we have placed our signatures. This Subcontract is to include Maryland State Sales Tax.

SECOND. The Sub-contractor will promptly begin said work as soon as he is notified by the Contractor that the ground is clear on the structure far enough advanced to allow the beginning of that portion included hereunder, and will carry forward and complete said work as rapidly as said Contractor may judge that the progress of the structure will permit, unless detained by other Sub-contractors; in which event he will promptly notify the contractor in writing, who (if satisfied that said delay is caused by others than said Sub-contractor hereunder) will allow additional time sufficient in his judgment to make up the time so lost. This paragraph shall cover any extra work done or materials furnished under this contract.

THIRD. The Sub-contractor will furnish said materials, including all necessary scaffolding, and prosecute said work with due diligence, without delay, and will not

CONTRACT BUILDERS HARDWARE METAL DOORS AND FRAMES

ALBERT GUNTHER, Inc.
36 WEST BROAD STREET
BALTIMORE, MARYLAND 21201
TELEPHONE (301) 837-7437

DEPT. 101 RELOCATION ON OCT. 24, 1988 TO 2603 REEFER RD. THORNTON MD.
PLEASE CALL OUR CUSTOMER SERVICE REP. 681 6000 FOR MORE SPECIFIC DETAILS.

CUSTOMER NUMBER 10041923
STATEMENT DATE 10/31/88
INVOICE NO. 10231788

SYMBOLS: I INVOICE G CREDIT MEMO

TRANSACTION DATE	YOUR INVOICE NUMBER	YOUR REFERENCE NUMBER	CURRENT	30 DAYS	60 DAYS	90 DAYS	120 DAYS
10/31/88	10041923	1	157.00				
TOTAL AMOUNT			157.00	248.31	.00	.00	.00

CREDIT

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

10/11/1991

Mrs. and Mrs. Gene Knapp
Mr. and Mrs. Gilbert E. Davis
74 (GC-42) PROHIBITION AGAINST DISCRIMINATION
4131 Beachwood Road
Baltimore, Maryland 21222

RE: Case No. Z-91-2791
4131 Beachwood Road
15th election District

Madame Zonement

This office has received an inquiry as to the present use of 4131 Beachwood Road from the neighborhood.

It is alleged that this property is utilized for commercial purposes. A review of the 1988 Comprehensive Zoning Map indicates that the present zoning is C-2.5 which is a residential classification.

While this office has had prior cases against this location, C-88-2235 and C-88-2593, it was a matter that was ultimately closed out since the commercial use had ceased.

Upon receipt of this letter, please contact this office, wherein I contend that if a problem does exist, this matter can be resolved without the issuance of a citation that imposes monetary fines.

Sincerely,

JAMES H. THOMPSON
Zoning Enforcement Coordinator

cc: 10/11/91

